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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,191	03/22/2006	Tadashi Nakamura	49288.2300	4333
53044 7590 09/29/2009 SNELL & WILMER L.L.P. (Panasonic) 600 ANTON BOULEVARD SUITE 1400 COSTA MESA, CA 92626				
EXAMINER				
LEE, NICHOLAS J				
ART UNIT		PAPER NUMBER		
2627				
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09/29/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,191

Applicant(s)

NAKAMURA, TADASHI

Examiner

NICHOLAS LEE

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Pub. 2004/0223440 A1 to Park ("Park") in view of US Patent No. 4,953,122 to Williams ("Williams").

As to claim 1, Park discloses a drive apparatus for performing a pseudo-overwrite recording for a write-once recording medium (Fig. 2), wherein

the write-once recording medium includes a spare area (OSA, ISA) and a user data area (User Area) (col. 5, lines 29-42),

at least one track are allocated in the user data area (Fig. 3; ¶ 0057),

the drive apparatus (Fig. 11) comprising:

a recording/reproduction section (pickup) for performing a recording operation or a reproduction operation for the write-once recording medium (¶ 0081); and

a drive control section (Servo) for controlling the recording/reproduction section (¶ 0081), wherein the drive control section performs a process including:

receiving a recording instruction including a location at which data is to be recorded (§ 0081);

determining a track (cluster) among at least one tracks corresponding to the location included in the recording instruction (§ 0013);

controlling the recording/reproduction section to record data at a replacement location in the spare data area instead of the location included in the recording instruction (§ 0043);

determining whether or not the recording of the data at the replacement location in the user data area has succeeded; and

when the recording of the data at the replacement location in the user data area has failed, controlling the recording/reproduction section to record the data at a location in the spare area.

It would be obvious that it would be determined that a defective area of a user data area would result in a failure of recording data wherein a replacement location in the spare area would be used to record the user data (§ 0043). If an area were successfully recorded, a replacement location would not need to be allocated.

Park fails to disclose a drive apparatus wherein controlling the recording/reproduction section to record data at a replacement location in the user data area instead of the location included in the recording instruction.

Williams discloses a method of pseudo-overwriting on a write-once optical disk wherein data is recorded at a replacement location in the user data area instead of the location included in the recording instruction (abstract).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified Park with the teachings of Williams to record data in a spare area if a pseudo-overwrite were to fail within a user data area record. This would result in an improved optical disk storage system for a write-once optical disk. The two arts are directed towards optical discs and the management of information recorded therein.

As to claim 2, Park further discloses that if a defective area is found in the data area or a spare area, a process is carried out for transferring the data from the defective area to a spare area (§ 0043).

3. Claims 3-4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Pub. 2004/0223440 A1 to Park ("Park") in view of US Patent No. 4,953,122 to Williams ("Williams"), and further in view of US Patent No. 5,825,726 to Hwang et al ("Hwang").

See the discussion of Park and Williams above..

As to claim 3, the same rejection or discussion is used as in the rejection of claim 1. Park fails to disclose a drive apparatus wherein a determined track is an open track.

Hwang discloses a method of recording data on a write-once information medium (abstract, CD) wherein it is determined whether or not the last recorded session is a finalized session prior to performing a recording operation. If a session is not finalized the corresponding sessions is regarded as being open, and the track to be recorded next is recorded after the current track (col. 8, lines 18-38).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified Park as modified with the teachings of Hwang such that the two arts are directed towards methods of recording data in allocated data areas on a write-once information medium.

As to claim 4, the same rejections or discussions are used as in the rejections of claims 1 and 3. It would be obvious that if a section determined to not be an open track it would other wise be closed wherein the track has either been recorded in previously and closed or an unrecorded track.

Response to Arguments

4. Applicant's arguments, see pages 5-8, filed 8/12/2009, with respect to the rejection(s) of claim(s) 1-4 under 35 USC § 102 and 35 USC § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US Patent No. 4,953,122 to Williams ("Williams"). See the rejections above.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICHOLAS LEE whose telephone number is (571)270-7354. The examiner can normally be reached on Monday-Friday 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NICHOLAS LEE/
Examiner, Art Unit 2627

/Joseph H. Feild/
Supervisory Patent Examiner, Art Unit 2627